

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 FRANCISCO P. CASTILLO, Jr.,

No. C 08-02343 CW (PR)

4 Petitioner,

5 ORDER GRANTING IN FORMA
PAUPERIS STATUS AND DIRECTING
RESPONDENT TO SHOW CAUSE WHY
THE PETITION SHOULD NOT BE
GRANTED

6 v.

7 B. CURRY, Warden,

8 Respondent.
_____/

9 Petitioner, a state prisoner, has filed this petition for a
10 writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also seeks
11 leave to proceed in forma pauperis. It does not appear from the
12 face of the petition that it is without merit. Good cause
13 appearing, the Court hereby issues the following orders:

14 1. Petitioner's application to proceed in forma pauperis is
15 GRANTED.

16 2. The Clerk of the Court shall serve a copy of this Order
17 and the petition and all attachments thereto upon Respondent and
18 Respondent's attorney, the Attorney General of the State of
19 California. The Clerk shall also serve a copy of this Order on
20 Petitioner at his current address.

21 3. Respondent shall file with this Court and serve upon
22 Petitioner, within one-hundred twenty (120) days of the issuance of
23 this Order, an Answer conforming in all respects to Rule 5 of the
24 Rules Governing Section 2254 Cases, showing cause why a writ of
25 habeas corpus should not be issued. Respondent shall file with the
26 Answer a copy of all portions of the relevant state records that
27 have been transcribed previously and that are relevant to a
28 determination of the issues presented by the petition.

1 4. If Petitioner wishes to respond to the Answer, he shall
2 do so by filing a Traverse with the Court and serving it on
3 Respondent within sixty (60) days of his receipt of the Answer.
4 Should Petitioner fail to do so, the petition will be deemed
5 submitted and ready for decision sixty (60) days after the date
6 Petitioner is served with Respondent's Answer.

7 5. Respondent may file a motion to dismiss on procedural
8 grounds in lieu of an Answer, as set forth in the Advisory
9 Committee Notes to Rule 4 of the Rules Governing Section 2254
10 Cases. If Respondent files such a motion, Petitioner shall file
11 with the Court and serve on Respondent an opposition or statement
12 of non-opposition to the motion within sixty (60) days of receipt
13 of the motion, and Respondent shall file with the Court and serve
14 on Petitioner a reply within fifteen (15) days of receipt of any
15 opposition.

16 6. It is Petitioner's responsibility to prosecute this case.
17 Petitioner must keep the Court and Respondent informed of any
18 change of address and must comply with the Court's orders in a
19 timely fashion. Petitioner must also serve on Respondent's counsel
20 all communications with the Court by mailing a true copy of the
21 document to Respondent's counsel.

22 7. Extensions of time are not favored, though reasonable
23 extensions will be granted. Any motion for an extension of time
24 must be filed no later than ten (10) days prior to the deadline
25 sought to be extended.

26 IT IS SO ORDERED.

27 Dated: 8/12/08



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO P. CASTILLO JR.,

Plaintiff,

Case Number: CV08-02343 CW

V.

B. CURRY et al,

Defendant.

CERTIFICATE OF SERVICE

B. CURRY et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on August 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
in the Clerk's office.

15 Francisco P. Castillo C-85768
Correctional Training Facility
16 P.O. Box 689/F-318-L
Soledad, CA 93960

17 B. Curry, Warden
18 Correctional Training Facility
19 P.O. Box 689
Soledad, CA 93960

20 Attorney General
State of California
21 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

25 Dated: August 12, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk